

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald J. Lebel et al.
Title: AMBULATORY MEDICAL APPARATUS
WITH HAND HELD COMMUNICATION
DEVICE
Appl. No.: 09/768,196
Filing Date: 1/22/2001
Examiner: Matthew F. Desanto
Art Unit: 3763
Confirmation No.: 1919

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance to 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview with the Examiner (Mr. DeSanto) on October 24, 2007, and a follow-up telephone interview was conducted on October 30, 2007. The telephone interview was requested and conducted by the undersigned representative of the Applicant, to consider a proposed amendment that was being considered (through the filing of a Request for Continued Examination) before November 1, 2007, in light of the new USPTO rule changes that are scheduled to become effective on November 1, 2007.

In particular, Applicant's representative suggested a further claim amendment (as shown in the attached letter dated October 24, 2007). The proposed claim amendment relates to an inherent function of the first menu recited in the claim and is not believed to be necessary to

distinguish the claims over the prior art of record, as the claims already are distinguished from the prior art of record for reasons set forth in Applicant's Appeal brief and Reply brief.

Distinctions between the claimed invention and the Moon et al. reference of record were discussed. However, the Examiner stated that he could not commit to a position that the proposed amendment would distinguish the claims over the prior art of record. Accordingly, no claim amendment was made and the claims remain in the form that is shown in Applicant's Appeal brief.

Respectfully submitted,

Date: October 30, 2007

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